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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2020

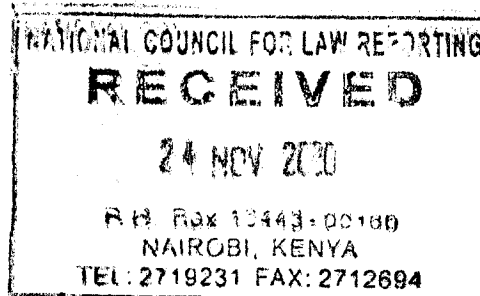
NAIROBI, 15th October, 2020

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**THE ALCOHOLIC DRINKS CONTROL
(AMENDMENT) BILL, 2020**

A Bill for

AN ACT of Parliament to amend the Alcoholic Drinks Control Act, No. 10 of 2010 and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Alcoholic Drinks Control (Amendment) Act, 2020.

Short title.

2. Section 31 of the Alcoholic Drinks Control Act, (in this Act referred to as “the principal Act”), is amended in sub-section (1) by deleting the expression “250 milliliters” appearing in paragraph (a) and substituting therefor the expression “750 milliliters”.

Amendment of section 31 of No. 10 of 2010.

3. Section 68 of the Principal Act is amended in sub-section (2) —

Amendment of section 68 of No. 10 of 2010.

(a) by inserting the following new paragraph immediately after paragraph (h);

(ha) prescribe the percentage of fees on the value of any form of alcoholic drink payable as deposit for the purchase of an alcoholic drink in a glass container.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Alcoholic Drinks Control Act, No.10 of 2010 in order to ensure that packaging of alcoholic drinks are in quantities not below 750 millilitres. This is in order to deal with the menace of excessive drinking occasioned by the sale of very low quantities of alcoholic drinks making it accessible to youths.

The Bill further seeks to provide for deposit refund for the purchase of alcoholic drinks in glass bottles. This is in order to encourage recycling of glass bottles and also to reduce environmental pollution by providing an economic incentive.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill neither delegates legislative powers nor does it contain provisions limiting fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

This is not a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution.

Statement on the financial implications of the Bill

The enactment of this Bill shall not occasion additional expenditure of public funds to be provided for in the estimates.

Dated the 14th October, 2020.

DANSON MWAKUWONA,
Member of Parliament.

Section 31 of the Alcoholic Drinks Control Act No 10 of 2010 which it is proposed to amend—

31. Selling in sachets

(1) No person shall sell, manufacture, pack or distribute an alcoholic drink in sachets or such other form as may be prescribed.

(2) Notwithstanding the provisions of subsection (1)—

(a) no person shall manufacture, pack, distribute or sell an alcoholic drink in a container of less than 250 millilitre;

(b) the alcoholic drink previously known as chang'aa or any other distilled alcoholic drink shall only be manufactured, packed, sold or distributed in glass or PET (*polyethylene terephthalate*) bottles or metallic containers of the kind specified in paragraph (a).

(3) A person who contravenes this section commits an offence and shall be liable to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Section 68 of the Alcoholic Drinks Control Act No 10 of 2010 which it is proposed to amend—

68. Regulations

(1) The Minister may, on recommendation of the relevant agency, make Regulations generally for the better carrying out of the objects of this Act.

(2) Without prejudice to the generality of subsection (1), the Regulations may—

(a) prescribe anything required by this Act to be prescribed or prohibit anything required by this Act to be prohibited;

(b) prescribe the recommended levels of alcohol in alcoholic drinks which levels shall not exceed the levels set by the World Health Organisation;

(c) prescribe substances as harmful constituents of an alcoholic drink;

(d) prescribe the hours within which the sale of alcoholic drinks shall be permitted;

(e) prohibit the addition or use of any harmful constituent or ingredient in the production of alcoholic drinks;

(f) prescribe the methods to be used in testing alcoholic drinks;

(g) prescribe the information that manufacturers shall provide to the relevant agency including information on alcoholic drinks, sales

and advertising data, and information on product composition, ingredients, hazardous properties and brand elements;

- (h) subject to this Act, control the labelling, packaging, sale or distribution of alcoholic drinks, so as to—
 - (i) ensure that the purchaser or consumer of an alcoholic drink is not misled as to its quality, quantity, character, value, composition, effect, merit or safety;
 - (ii) prevent injury or harm to the health of the consumer;
- (i) prescribe the forms of applications, notices, licences and other documents for use under this Act;
- (j) prescribe the fees payable under this Act.